IN THE HIGH COURT OF JUDICATURE FOR
RAJASTHAN AT JODHPUR.

...

S.B. CIVIL WRIT PETITION NO.4468/2005

Kashi Ram Agarwal

Versus

The State of Rajasthan and ors.

Date of Order : 28.7.2005

PRESENT

HON'BLE MR. JUSTICE R.P. VYAS

Mr. Sanjeet Purohit, for the petitioner/s

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The present writ petition under Article 226 of the constitution of India has been filed by the petitioner with a prayer that the impugned order of transfer dtd. 14.7.2005 (Annex.-1) may be quashed and set aside qua the petitioner.

The learned counsel for the petitioner submits that vide order dated 14.7.2005 (Annex.-1) he has been transferred from Abu Road to Jalore.

The main contention of the learned counsel for the petitioner is that he is at the verge of retirement seniority

list of forest guard is maintained district-wise and as per The Rajasthan Forest Subordinate Service Rules, 1963, if the petitioner is transferred to another district he will lose his seniority and will be placed at the bottom. The petitioner is placed at Sr. No.15 in Jodhpur district whereas if he is transferred to Udaipur district, he will be junior most person there.

During the course of argument, it has been requested by the learned counsel for the petitioner that the competent authority be directed to consider the representation of the petitioner. Since the request of the petitioner is only for consideration of the representation, therefore, the instant petition is disposed of at this stage by giving a direction to the competent authority to consider the representation of the petitioner in accordance with law only.

Thus, this writ petition filed by the petitioner is disposed of in the manner that the petitioner is directed to file a fresh representation within a period of one week from today and the competent authority is directed to consider and decide the same either way in accordance with law within a period of 15 days from the date of receipt

of the said representation. If it is found that the petitioner is entitled for any relief in accordance with law, then the same may be given to the petitioner and if the petitioner is not found entitled to the relief sought for, then a reasoned and speaking order strictly in accordance with law may be passed.

Meanwhile, the effect and operation of the order dated 14.7.2005 (Annex.-2) qua the petitioner, shall remain stayed, till the decision of the representation filed by the petitioner.

(R.P.VYAS)J.

Rm/